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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/748,176	12/27/2000	Yutaka Ichinoi	0102/0154	5030

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EXAMINER

HO, THOMAS M

ART UNIT	PAPER NUMBER
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2134

DATE MAILED: 05/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 09/748,176	Applicant(s) ICHINOI ET AL.	
	Examiner Thomas M. Ho	Art Unit 2134	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on 16 December 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1, 2, 6 and 22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 6 and 22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>3/16/04, 12/16/04</u>   | 6) <input type="checkbox"/> Other: _____                                    |

### **DETAILED ACTION**

1. The amendment of 12/16/04 has been received and entered.
2. Claims 3-5, 7-21, 23-25 are canceled.
3. Claims 1, 2, 6, 22 are pending.

### ***Response to Arguments***

4. Applicant's arguments have been fully considered, but are moot in view of the new grounds of rejection.

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1,2,6, 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bharat, US patent 6577735 and Stefik, US patent 5,629,980.

In reference to claim 1 Bharat disclose a contents-information transmission system comprising:

Bharat discloses:

- Means provided in the contents information handling apparatus for storing a first certificate contents-information piece which is copyrighted, where the certificate contents-information piece is the digital work that contains a certificate as well, and the contents information handling apparatus is the user's portable audio player. Bharat (Figure 4) & (Figure 5)
- An authentication apparatus, where the authentication apparatus is the workstation (Figure 5)
- Means for transmitting the first certificate contents information piece from the contents-information handling apparatus to the authentication apparatus, where the first certificate contents information piece is the digital work from the player with the software generated key and certificate. (Column 3, lines 46-54)
- Means provided in the authentication apparatus for storing second certificate contents information pieces which are representative of the different levels respectively and which are copyrighted, where the second certificate contents information pieces are the copys of the first contents information piece encrypted with a generated key (Column 3, lines 53-57) & (Column 9,lines 9-15)
- Means provided in the authentication apparatus for comparing said transmitted first certificate contents-information piece with the second certificate contents-information pieces to decide whether or not said transmitted first certificate contents-information piece is equal to one of the second certificate contents-information pieces, where the encryption key is regenerated and match is made between the first certificate contents

information piece and the second certificate contents information piece to determine if the verification is valid or not. (Column 3, lines 57-63) & (Figure 5, Items 514) & (Column 7, lines 9-65)

- Means provided in the authentication apparatus for indicating the transmitted first certificate contents-information piece when it is decided that the transmitted first certificate contents-information pieces is equal to one of the second certificate contents-information pieces, where the transmitted first certificate contents information piece is indicated in the process of verification and allowed to be downloaded to the player. (Column 3, lines 57-63) & (Figure 5, Items 514, 516, 518)
- Means for permitting transmission of contents information from the authentication apparatus to the contents-information handling apparatus when it is decided that the transmitted first certificate contents-information piece is equal to one of the second certificate contents-information pieces, where retransmission back to the portable audio player is permitted if verification succeeds. (Column 3, lines 57-63) & (Figure 5, Items 514, 516, 518)
- Means for inhibiting transmission of the contents information from the authentication apparatus to the contents information handling apparatus when it is decided that the transmitted first certificate contents-information piece is equal to none of the second certificate contents-information pieces, where an error message is instead given if verification doesn't succeed. (Column 3, lines 57-63) & (Column 7, lines 20-31)

Bharat fails to disclose:

- A contents-information handling apparatus to which one of different levels of at least one of copyright protection and information secrecy is assigned.

Stefik discloses:

- A contents-information handling apparatus to which one of different levels of at least one of copyright protection and information secrecy is assigned, where different levels of information secrecy is assigned, and copyright protection has levels determining the right to make copies (Column 15, line 20 – Column 16, line 35) & (Column 34, lines 37-67) & (Column 25, lines 30-45)

Stefik (Column 15, line 20 – Column 16, line 35) teaches:

Some creators of digital works will want to specify that their works will only be transferred to repositories whose level of security is high enough.” Stefik further states “It is anticipated that new security classes and requirements will evolve according to social situations and changes in technology.” For that reason, Stefik has developed a system of security levels. The Examiner also notes that other security levels with regards to digital content information is well known. For Example, R rated media cannot be played unless the security privileges on certain DVD players are high enough.

It would have been obvious to one of ordinary skill in the art at the time of invention to have a content information handling apparatus to which different levels of copyright protection and secrecy were assigned, in order to maintain flexibility regarding situations of when it would or

wouldn't be appropriate to allow certain content to be handled, for example, preventing young children from viewing content that is inappropriate for their age.

Claims 2, 6, 22 are substantially similar to claim 1 and are rejected for the same reasons.

### *Conclusion*

6. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of the final action and the advisory action is not mailed under after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension pursuant to 37 CFR 1.136(A) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication from the examiner should be directed to Thomas M Ho whose telephone number is (571)272-3835. The examiner can normally be

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reached on M-F from 9:30 AM - 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory A. Morse can be reached on (571)272-3838.


The Examiner may also be reached through email through [Thomas.Ho6@uspto.gov](mailto:Thomas.Ho6@uspto.gov)

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571)272-2100.

General Information/Receptionist	Telephone: 571-272-2100	Fax: 703-872-9306
Customer Service Representative	Telephone: 571-272-2100	Fax: 703-872-9306

TMH

April 18<sup>th</sup>, 2005



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